



State of Tennessee Department of Children's Services

## **Administrative Policies and Procedures: 24.14**

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**Subject:** Title VI Complaint Process

**Supersedes:** None

**Local Policy:** No

**Local Procedures:** No

**Training Required:** No

**Applicable Practice Model Standard(s):** Yes

**Approved by:**

**Effective date:** 09/01/04

**Revision date:**

### **Application**

To All Department of Children's Services Employees

**Authority:** TCA 37-5-106; Tennessee Title VI Compliance Commission

### **Policy**

The Department of Children's Services (DCS) does not practice or allow discrimination on any basis or for any reason. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin. Any person believing there has been discrimination by any employee or unit of DCS on the basis of race, color or national origin has the right to file a complaint. Any DCS employee may file a Title VI complaint or file a grievance through the established Employee Grievance procedure.

Any individual, on their own behalf, for another individual or any specific class of individuals may file the complaint. At the complainant's discretion the complaint may be filed with the appropriate federal agency, any agency contracting to provide services for DCS, or directly with DCS.

### **Procedures**

- A. Filing complaints**
1. Complaints filed directly with DCS may be filed locally or at the designated regional or facility Title VI representative or at the Central Office level with the Division of Diversity Initiatives within one (1) business day.

2. Within one (1) business day of the receipt of any complaint, the Division of Diversity Initiatives will:
  - a) Electronically notify the Commissioner of the complaint;
  - b) Electronically notify the Ombudsman's Office in the Office of Performance Enhancement of the complaint so that it can be entered into the DCS complaint tracking data base; and
  - c) Notify the complainant of receipt of the complaint. The notification will be accomplished by the most expedient means available, including e-mail, fax, or telephone call to be documented in writing and confirmed by letter. The notification will include a request for a time and date an investigator can reach the complainant by telephone or in person to discuss the complaint.
3. A complaint must be filed in writing, within one hundred-eighty (180) days of the alleged discrimination. The complaint should be filed on form *CS-0636, Title VI Complaint*, which is on the department's Intranet Website. The complaint may also be filed in a letter stating the elements of the complaint. The person to whom the complaint is made will document the elements of the complaint in writing if the complainant is unable or unwilling to file the complaint in writing. The complaint must contain the following information:
  - a) Name address and phone number of the complainant,
  - b) Location and name of the agency, facility, or office where the alleged discrimination took place,
  - c) Identification of the agency staff alleged to have engaged in discrimination,
  - d) The elements of the event(s) that led to belief discrimination occurred,
  - e) The basis of the complaint, i.e., race, color or national origin,
  - f) Names, addresses and phone numbers of people who may have knowledge of the event,
  - g) The date(s) the alleged discriminatory event(s) occurred, and

h) The complainant's signature.

**B. Investigation process**

The Division of Diversity Initiatives will complete an investigation within forty-five (45) days of receipt of a complaint. The investigation will review, minimally:

1. Pertinent practices and policies;
2. The circumstances and events which led to the filing of the complaint; and
3. All other known, pertinent information.

**C. Determination and ruling**

1. The Director of the Division of Diversity Initiatives will make a determination on the alleged discrimination complaint within fifteen (15) days of the completion of the investigation.
2. The complainant will be notified by certified letter of the Director's determination and the remedial action that has been taken if it is determined that there was discrimination based on race, color or national origin. In accordance with federal regulations, all complaints will be resolved within ninety (90) days of being filed.
3. If the complainant is not satisfied with the Director's determination, an appeal may be filed for the Commissioner's review. The appeal must be filed in writing within thirty (30) days of receipt of the certified letter from the Director. The Commissioner will make a determination within thirty (30) days of receipt of the appeal. The Commissioner's determination shall be final within DCS.
4. The complainant may file an appeal with the appropriate federal agency or the Tennessee Title VI Compliance Commission. However, any complaint must be filed within one hundred-eighty (180) days of the alleged discrimination, no matter with whom it is filed. Any complaint filed with DCS more than eighty-nine (89) days after the alleged discrimination, may not allow time to file with a federal agency or the Title VI Compliance Commission if the complaint takes a full ninety (90) days for resolution within DCS.
5. A complaint may be filed simultaneously with a federal agency or the Tennessee Title VI Compliance Commission and with DCS. In such case, the external complaint

supersedes the internal (DCS) complaint. Accordingly, the internal complaint procedures will be suspended pending the outcome of the federal procedure, unless there is a request from the external agency for assistance in the investigation.

6. Complaints resolved within DCS will be on file in the Division of Diversity Initiatives for a minimum of three (3) years.

## **Forms**

CS-0636      Title VI Complaint

## **Collateral Documents**

*None*

## **Standards**

DCS Practice Model Standard – 2-105B  
DCS Practice Model Standard – 2-106B  
DCS Practice Model Standard – 2-107B  
DCS Practice Model Standard – 2-108B  
DCS Practice Model Standard – 2-109B  
DCS Practice Model Standard – 2-110B  
DCS Practice Model Standard – 2-200  
DCS Practice Model Standard – 6-102  
DCS Practice Model Standard – 7-105A